

The Honorable James L. Robart

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICROSOFT CORPORATION, a Washington  
corporation,

Plaintiff,

v.

MOTOROLA, INC., and MOTOROLA  
MOBILITY, INC., and GENERAL  
INSTRUMENT CORPORATION,

Defendants.

MOTOROLA MOBILITY, INC., and  
GENERAL INSTRUMENT CORPORATION,

Plaintiffs/Counterclaim Defendant,

v.

MICROSOFT CORPORATION,

Defendant/Counterclaim Plaintiff.

CASE NO. C10-1823-JLR

DECLARATION OF PHILIP S.  
McCUNE IN SUPPORT OF  
DEFENDANTS' OPPOSITION TO  
MICROSOFT'S MOTION FOR  
PARTIAL SUMMARY JUDGMENT

**NOTE ON MOTION CALENDAR:  
Friday, March 2, 2012**

DECLARATION OF PHILIP S. MCCUNE IN SUPPORT OF  
DEFENDANTS' OPPOSITION TO MICROSOFT'S MOTION  
FOR PARTIAL SUMMARY JUDGMENT  
CASE NO. C10-1823-JLR

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1 I, PHILIP S. McCUNE, hereby declare as follows:

2 1. I am one of the attorneys for Defendants Motorola, Inc. (now Motorola Solutions,  
3 Inc.), Motorola Mobility, Inc. and General Instrument Corporation in this lawsuit. I am competent  
4 to testify, and make this declaration based on my own personal knowledge.

5 2. Attached hereto as Exhibit A is a true and correct copy of the Motorola Mobility-  
6 VTech license agreement (MOTM\_WASH1823\_0394368-4401), submitted herewith under seal.

7 I declare under penalty of the laws of perjury that, to the best of my knowledge,  
8 information and belief, the foregoing is true and correct.

9 EXECUTED this 17th day of February, 2012, at Seattle, Washington.

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11 */s/ Philip S. McCune*

12 Philip S. McCune  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this day I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 17th day of February, 2012.

/s/ Marcia A. Ripley  
Marcia A. Ripley

**MOTM\_WASH1823\_0394368  
(PATENT LICENSE AGREEMENT)**

**FILED UNDER  
SEAL**

**DECLARATION OF PHILIP S. McCUNE  
IN SUPPORT OF DEFENDANTS'  
OPPOSITION TO MICROSOFT'S MOTION  
FOR SUMMARY JUDGMENT  
EXHIBIT A**